

**Amendments to the Claims:**

This listing of Claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims:**

1. (Currently Amended) A method for obtaining information about a transmission capability of a transmission link (TL), wherein a sending entity (SE) sends data packets at a sending rate to the transmission link (TL) which transmits the data packets according to its transmission capability to a receiving entity (RE) receiving the data packets at a receiving rate, the method comprising:

modulating the sending rate with a rate modulation and

executing the following steps by an analysis entity (AE), the AE monitoring data flow between the SE and the RE for:

- obtaining the sending rate,
- obtaining the receiving rate,
- comparing the modulated ~~obtained~~ sending rate and the obtained receiving rate to determine a relation of the modulated ~~obtained~~ sending rate and the obtained receiving rate and to detect ~~determine~~ ~~an appearance of~~ the rate modulation of the sending rate in the obtained receiving rate, and
- obtaining the information about the transmission capability based on the determined relation and the presence ~~determined appearance~~ of the rate modulation.

2. (Original) The method according to claim 1, wherein the obtained information about the transmission capability is at least one of information about a transmission rate of the transmission link, information about a relationship of the transmission rate versus the sending rate, and information about a status of a buffer of the transmission link.

3. (Currently Amended) The method according to claim 1, wherein the modulated obtained sending rate is separated into a fraction having the rate modulation and a fraction having not the rate modulation and the obtained receiving rate is separated into a fraction having the rate modulation and a fraction having not the rate modulation and the fraction of the sending rate having not the rate modulation is compared to the fraction of the receiving rate having not the rate modulation to determine the relation and the fraction of the receiving rate having the rate modulation is analyzed for detecting the ~~determining of the appearance of the~~ rate modulation.

4. (Currently Amended) The method according to claim 1, wherein the obtained sending rate and the obtained receiving rate are subtracted and the subtracted signal is analyzed to determine the relation and the presence ~~appearance~~ of the rate modulation.

5. (Previously Presented) The method according to claim 1, wherein the data packets are sent from the sending entity to the receiving entity end-to-end on a first layer and the transmission capability of the transmission link is defined by a second layer being a non end-to-end layer below the first layer and at least one of the sending rate and the receiving rate are obtained based on information from the first layer or one or more end-to-end layers above the first layer.

6. (Currently Amended) The method according to claim 1, wherein the sending rate and the receiving rate are obtained and compared on the base of sequence numbers associated to the data packets ~~and/or~~ over time.

7. (Original) The method according to claim 1, wherein at least one of the sending rate and the receiving rate are communicated to the analysis entity.

8. (Currently Amended) The method according to claim 1 wherein the analysis entity obtains receiving rate related information on the base of sequence numbers by receiving receiver reports from the receiving entity, each receiver report being received at a receiving time at the analysis entity which determines for each receiver report the respective receiving time and a respective included sequence number, each included sequence number indicating the most progressed of the sequence numbers available at the time of the generation of the respective receiver report at the receiving entity, and the analysis entity calculates the obtained receiving rate on the base of the receiving rate related information.

9. (Previously Presented) The method according to claim 8 wherein the receiver reports are generated and sent from the receiving entity according to a rule and the rate modulation of the sending rate is adjusted to the rule.

10. (Previously Presented) The method according to claim 8, wherein the receiver reports comply with the Real-Time protocol Control part Protocol (RTCP).

11. (Previously Presented) The method according to claim 1, wherein the data packets comply with the Real-Time Protocol (RTP).

12. (Previously Presented) The method according to claim 1 wherein the sending rate is adjusted to at least one of pre-known information about one or more possible transmission capabilities of the transmission link and the obtained information about the transmission capability.

13. (Previously Presented) The method according to claim 1, wherein the transmission capability is adjusted based on the obtained information about the transmission capability.

14. (Previously Presented) The method according to claim 1, wherein the sending entity receives the data packets at one or more further sending rates from a further sending entity and, based on the obtained information about the transmission capability, the sending entity is instructed to send the data packets to the transmission link at a new sending rate according to one of the one or more further sending rates.

15. (Original) The method according to claim 14, wherein the one or more further sending rates are not modulated with the rate modulation and the sending entity effects the rate modulation of the new sending rate.

16. (Previously Presented) The method according to claim 1 wherein the analysis entity and the sending entity are located on a streaming server.

17. (Previously Presented) The method according to claim 14, wherein the analysis entity and the sending entity are located on a proxy server and the further sending entity is located on a streaming server.

18. (Previously Presented) The method according to claim 1, wherein the analysis entity is located at the receiving entity.

19. (Previously Presented) The method according to claim 1, wherein the transmission link comprises a wireless link of a mobile communication network.

20. (Currently Amended) An analysis entity (AE) for obtaining a transmission capability of a transmission link (TL) in a communication system where in data packets are sent from a sending entity (SE) at a sending rate being modulated with a rate modulation to the transmission link (TL) which transmits the data packets according to its transmission capability to a receiving entity (RE) receiving the data packets at a receiving rate, the analysis entity (AE) comprising

a receiving unit for receiving messages and information,

a processing unit for processing the messages and information, wherein the processing unit comprises a microprocessor, a main memory coupled to the

microprocessor, and persistent storage. the microprocessor executing instructions for obtaining the transmission capability of the TL; and

a transmission unit, coupled to the processing unit, for sending the messages and information, wherein the processing unit is adapted to obtain the sending rate and obtain the receiving rate, to compare the obtained sending rate and the obtained receiving rate to determine a relation of the obtained sending rate and the obtained receiving rate and to detect ~~determine an appearance of~~ the rate modulation of the sending rate in the obtained receiving rate, and to obtain the information about the transmission capability based on the relation and the presence ~~appearance~~ of the rate modulation,

21 - 23. (Canceled)

24. (Previously Presented) The analysis entity according to claim 20, wherein the obtained information about the transmission capability is at least one of information about a transmission rate of the transmission link, information about a relationship of the transmission rate versus the sending rate, and information about a status of a buffer of the transmission link.

25. (Currently Amended) The analysis entity according to claim 20, wherein the obtained sending rate is separated into a fraction having the rate modulation and a fraction having not the rate modulation and the obtained receiving rate is separated into a fraction having the rate modulation and a fraction having not the rate modulation and the fraction of the sending rate having not the rate

modulation is compared to the fraction of the receiving rate having not the rate modulation to determine the relation and the fraction of the receiving rate having the rate modulation is analyzed for the presence ~~determining of the appearance~~ of the rate modulation.

26. (Currently Amended) The analysis entity according to claim 20, wherein the obtained sending rate and the obtained receiving rate are subtracted and the subtracted signal is analyzed to determine the relation and the presence ~~appearance~~ of the rate modulation.

27. (Previously Presented) The analysis entity according to claim 20, wherein the data packets are sent from the sending entity to the receiving entity end-to-end on a first layer and the transmission capability of the transmission link is defined by a second layer being a non end-to-end layer below the first layer and at least one of the sending rate and the receiving rate are obtained based on information from the first layer or one or more end-to-end layers above the first layer.

28. (Currently Amended) The analysis entity according to claim 20, wherein the sending rate and the receiving rate are obtained and compared on the base of sequence numbers associated to the data packets ~~and/or~~ over time.

29. (Previously Presented) The analysis entity according to claim 20, wherein at least one of the sending rate and the receiving rate are communicated to the analysis entity.

30. (Previously Presented) The analysis entity according to claim 20, wherein the analysis entity further comprises means for obtaining receiving rate related information on the base of sequence numbers by receiving receiver reports from the receiving entity, each receiver report being received at a receiving time at the analysis entity which determines for each receiver report the respective receiving time and a respective included sequence number, each included sequence number indicating the most progressed of the sequence numbers available at the time of the generation of the respective receiver report at receiving entity, and the analysis entity calculates the obtained receiving rate on the base of the receiving rate related information.

31. (Previously Presented) The analysis entity according to claim 20, wherein the receiver reports are generated and sent from the receiving entity according to a rule and the rate modulation of the sending rate is adjusted to the rule.

32. (Previously Presented) The analysis entity according to claim 20, wherein the receiver reports comply with the Real-Time protocol Control part Protocol (RTCP).



33. (Previously Presented) The analysis entity according to claim 20, wherein the data packets comply with the Real-Time Protocol (RTP).

34. (Previously Presented) The analysis entity according to claim 20, further comprising means for adjusting to at least one of pre-known information about one or more possible transmission capabilities of the transmission link and the obtained information about the transmission capability.

35. (Previously Presented) The analysis entity according to claim 20, further comprising means for adjusting the transmission capability based on the obtained information about the transmission capability.

36. (Previously Presented) The analysis entity according to claim 20, wherein the sending entity receives the data packets at one or more further sending rates from a further sending entity and, based on the obtained information about the transmission capability, the sending entity is instructed to send the data packets to the transmission link at a new sending rate according to one of the one or more further sending rates.

37. (Previously Presented) The analysis entity according to claim 20, wherein the one or more further sending rates are not modulated with the rate

modulation and the sending entity effects the rate modulation of the new sending rate.

38. (Previously Presented) The analysis entity according to claim 20, wherein the analysis entity and the sending entity are located on a streaming server.

39. (Previously Presented) The analysis entity according to claim 20, wherein the analysis entity and the sending entity are located on a proxy server and the further sending entity is located on a streaming server.

40. (Previously Presented) The analysis entity according to claim 20, wherein the analysis entity is located at the receiving entity.

41. (Previously Presented) The analysis entity according to claim 20, wherein the transmission link comprises a wireless link of a mobile communication network.